IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 27875 of 2007(R)

PETITIONER:

MARY JOHN, W/O.JOHN,
KAMUKAMPALLIL HOUSE, VALLIKODE KOTTAYAM VILLAGE,
VAKAYAR P.O., KOZHENCHERRY TALUK, KONNI,
PATHANAMTHITTA.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
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1. THE ASSISTANT EXCISE COMMISSIONER,
PATHANAMTHITTA DISTRICT.

2. THE EXCISE CIRCLE INSPECTOR,
PATHANAMTHITTA.

3. THE EXCISE RANGE INSPECTOR, KONNI,
PATHANAMTHITTA.

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 27875 OF 2007 R

Dated this the 26th September, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioner is the registered owner of a vehicle covered by Exts.P1 to P4. Respondents 2 and 3 took the vehicle in custody on 26.8.2007 alleging commission of an offence under the Abkari Act. Ext.P6 OR was registered. Petitioner approached respondents 2 and 3 to release the vehicle. They are protracting the matter. Even if lapse of more than three weeks, respondents 2 and 3 have not given interim custody of the vehicle. The vehicle is being kept idle in the premises for the last three weeks and exposed to sun and rain and there is no compensation being given by them. If the vehicle is damaged, there will be huge loss. It is the case of petitioner that she is not an accused in Ext.P6 and she has no involvement in the alleged crime and she has taken necessary precautions to prevent misuse of the vehicle.

2. Heard the learned Government Pleader also. The Writ Petition is disposed of with a direction to the third respondent to release the petitioner's vehicle bearing Registration No.KL-03-F-5856 covered by Exts.P1 to P4 upon the petitioner executing Bank Guarantee in a sum equivalent to the value of the vehicle to the satisfaction of the third respondent. The valuation of the vehicle shall be fixed and intimated to the petitioner within a period of two weeks from the date of receipt of a copy of this Judgment. The vehicle will be released without any delay upon the petitioner executing Bank Guarantee as aforesaid.

K. M. JOSEPH, JUDGE

kbk.